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June 28, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street - SW
Washington, D.C. 20554

02-6

Re: Request for Waiver & Review
Funding Request Nos. 802994 & 802965
FCC Form 471 No. 308964
Fed. Filer No. 9691
Billed Entity: Cathedral Preparatory Academy

Appeal of Commitment Adjustment Letters 1/4/06 & 1/24/06

Dear Ms. Dortch:

This office represents the Cathedral Preparatory Academy ("Cathedral"). Cathedral was a participant in the USAC School and Libraries Division program. Under the program, funds were disbursed to a vendor of Cathedral (SPIN name: Diversified Computer Products, Inc.) to provide telecommunications services to Cathedral. Cathedral is in receipt of a demand for payment under funding request numbers 802994 and 802965, under which the F.C.C. is seeking reimbursement of an amount of \$25,028.19. Please accept this letter as Cathedral's appeal of the USAC's commitment adjustment letters dated January 4, 2006 and January 24, 2006. Cathedral has been notified that it failed to demonstrate at the time of the filing of Form 471 that it had secured financial resources necessary to pay the non-discounted charges.

Waiver of time to Appeal: Cathedral is aware that there is a sixty day limit on when an appeal can be filed. However, special circumstances exist that support Cathedral's request to waive the sixty day period and such an appeal would certainly serve the public interest. The Cathedral is a religious-based organization that operated the Preparatory Academy, which served as an educational institution. The individual who was the most intimately involved with the program is no longer employed by Cathedral and despite repeated efforts, we have not been able to reconstruct all of her records. As such, the Cathedral spent several months trying to obtain information about this matter from USAC and the FCC. I have had extensive conversations with Mr. Nielsen and Mr. Eisley at USAC, while my client corresponded directly with the FCC. During October and November 2006, both my client and I were advised that the FCC had listed this matter as "closed". Yet, when we inquired as to the meaning of it being marked "closed", no explanation was forthcoming. It was only through continuing communications with USAC that we learned that this matter was still pending. Due to circumstances beyond my client's control, it

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was unable to file an appeal within sixty days. Allowing a waiver of the time limit will permit Cathedral to present its appeal and will not prejudice USAC or the FCC in any way.

Request for Review/Appeal: Cathedral respectfully requests that the FCC review the two commitment adjustment letters herein and consider overruling the demand for reimbursement. In order to afford the purchase and installation of the telecommunication equipment, Cathedral participated in a grant program under which it was awarded funds to be used for the purchase. Those funds coupled with the USAC funds were to fully fund the project. Regrettably, the organization that provided the grant filed for bankruptcy, leaving the Cathedral lacking the funds to complete the project. Apparently, the funds were already disbursed to the vendor.

It is evident that due to circumstances beyond its control, Cathedral was unable to report that it secured financial resources necessary to pay the non-discounted charges. Work was performed by the vendor and the funds were disbursed. Due to the nature of the work done by the vendor, which related to the telecommunications infrastructure of the facility, Cathedral cannot simply demand that the vendors return the funds, at which time Cathedral could reimburse your organization. But for the bankruptcy filing of the grant organization, this scenario would never have unfolded.

Cathedral respectfully requests that USAC and the FCC withdraw or reverse its demand for payment under funding request numbers 802994 and 802965, under which the F.C.C. is seeking reimbursement of an amount of \$25,028.19. Your consideration is appreciated.

Very truly yours,

LINDABURY, McCORMICK, ESTABROOK & COOPER, P.C.



Eric B. Levine

cc: Eloise Samuels